

## **Submission of the European Guardianship Network to the European Commission Consultation on Child protection – integrating systems, dated October 20, 2023**

The European Guardianship [Network](#) (EGN) welcomes the initiative of the Commission to strengthen integrated child protection integrating systems.

The EGN brings together organisations which deliver guardianship to unaccompanied children across EU Member States, alongside governmental contact point in matters of guardianship, as well as European agencies and other international organisations and civil society involved in guardianship who are Affiliated Partners. EGN’s goal is to enable members to deliver high quality, child rights-based, and accessible guardianship services. We also contribute our experience and expertise to help shape responses to unaccompanied children at a European policy level.

We believe that integrated child protection systems are of crucial importance to respond to unaccompanied and separated children who arrive in Europe. This is recognized in the EGN [Standards](#), in which our work is rooted. These Standards are framed by the rights and needs of children and are based in the principles set out by the Fundamental Rights Agency in its guidance on the topic. They are the basis for the EGN input to this Commission consultation.

**1. The Commission recommendations should encourage national policies, strategies and actions to explicitly identify and commit to responding effectively to the child protection needs of unaccompanied children.**

Background:

*EGN Standard 1: Non-discrimination: Children benefit from equal guardianship services within the state’s territory, irrespective of the place of residence, their age or their immigration status.*

National child protection systems need to be alert to all children at risk of violence, neglect, abuse and exploitation in their country, regardless of their status. Unaccompanied children may be in particularly vulnerable situations. Some unaccompanied children are living at the edges of society, for example, where they are at the border or in reception centres, waiting to make applications for international protection. Sometimes unaccompanied children are entirely “under the radar” if they are undocumented and living on the streets. In certain situations, children may be seen as the primary responsibility of migration agencies, which

mean that child protection services or procedures are not fully involved in responding to their needs. Equally, where children travel between countries, they may be seen essentially as the responsibility of a country other than the one in which they are currently present. Consequently, the Commission Recommendations should encourage Member States to consider the specific needs of these children and commit to finding ways to reduce and respond to child protection risks in all of their actions.

**2. The Commission Recommendations should encourage Member States to strengthen their guardianship systems, and support guardians in undertaking their roles, as a key element of an integrated child protection system.**

Background:

*EGN Standard 2: Responsibility & Accountability: Children can depend on guardianship systems which have a clear basis, a responsible authority and monitoring and accountability mechanisms in place*

*EGN Standard 3. Independence & Impartiality: Children can depend on their guardian being independent and impartial when taking decisions in their best interests.*

*EGN Standard 6: Child-centred Approach: Children's rights are respected, protected and fulfilled.*

The Commission's consultation concerns integrated child protection systems which aim to put children at the centre, connect the actors working on their situation and facilitate the coordination of the different proceedings in which children may be involved.

In the case of unaccompanied children, the guardian should play a key role in an integrated child protection system. Guardians stand beside the children to support and assist them, ensure their best interests are a primary consideration in all actions and that in all circumstances the children's views are heard.

Guardians also should interact with other actors involved in their situation and help ensure that the child accesses the right actors and services. For example, guardians should help children access legal assistance providers when necessary in status determination procedures. So a guardian precisely helps make procedures more child-centred, and ensures a child is heard. That is important for the child and it is important to the State.

Consequently, strengthening guardianship systems and the role of guardians should be encouraged in the Commission Recommendations. National stakeholders can draw on the work of EGN, including through the ProGuard [tool](#) (and upcoming guidance) to assist actors in mapping and further developing guardianship systems.

**3. The Commission Recommendations should encourage national integrated child protection systems to build the specialised knowledge and competence necessary to identify and respond to the specific needs of children in migration.**

Background:

*EGN Standard 4: Quality: Children are supported and assisted by qualified, continuously trained and well supported guardians who have sufficient time to respond effectively to their needs.*

EGN Members daily encounter the significant needs unaccompanied children have for protection from violence, neglect, abuse and exploitation. These may arise out of their difficult experiences in countries of origin, dangerous journeys into Europe, exposure to violence from people they encounter en route, and vulnerability to violence arising if they are in a precarious situation within Europe.

Guardians and other actors need specialised skills and knowledge to prevent and respond to these risks. The Commission Recommendations should encourage national child protection systems to build skills and resources, including by participating in and drawing from the activities of the European Guardianship Network. This includes our work in contributing to the development of important EUAA and FRAA practical resources and promoting their use nationally.

**4. The Commission Recommendations should encourage Member States to ensure that child participation is a key element to prevent and to respond to violence against unaccompanied children, both in individual cases and in system strengthening measures.**

Background:

*EGN Standard 5: Child Participation: The child's right to be heard is respected, by informing them in a manner they understand about the scope of guardianship arrangements and available services and support, by enabling them to speak out, complain and influence, and by giving due weight to their viewpoint.*

Given their situation, unaccompanied children are often the primary source of information on the risks they face and the violence, abuse, neglect or exploitation which they have suffered. For this reason, Member States should ensure that they are consulted on strategies to prevent and respond to violence, abuse, neglect and exploitation. Organisations involved in guardianship can play an important role in helping design such consultations, and support and assist children to share their experiences. In addition, States should look to ensure that, in individual cases, guardians are involved in ensuring children's views are heard and

properly considered in child protection processes, and that their best interests are a primary consideration in State responses.

**5. The Commission Recommendations should ensure that guardians are involved in measures promoting cooperation and collaboration between all relevant actors, including in cross border processes.**

## Background

*EGN Standard 7: Collaboration and Sustainability: Children can depend on guardianship systems being an integral part of the national child protection system, being allocated sufficient human and financial resources, being effectively monitored and acting as a link between the child and other agencies or individuals who are responsible for taking action in their regard*

Cooperation processes between actors, nationally and cross border, should involve guardians to ensure that the specific situation of unaccompanied children are not overlooked. For example, alongside other child protection actors and law enforcement, guardians should be involved in cooperation mechanisms addressing the needs and rights of child victims of trafficking.

In situations where cross border cooperation is needed, the EU can play a unique role. And EU funding supports EGN in working towards improving the opportunities and means for guardians to cooperate across borders. For example, this may occur in cases involving disappearances of children, requiring family tracing or where children may need to be transferred between states where it is in their best interests, for example under relocation initiatives.

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EGN stands ready to provide further input to the Commission during its ongoing consultation on this important initiative.

For further information on EGN:

[www.egnetwork.eu](http://www.egnetwork.eu)